

Minutes of the **Bylaw Review Committee** meeting held
May 1, 2014
Town Clerk's Conference Room, Town Hall, 455 Concord Avenue
7:30 PM AM

Attendees: Charles Hamann, Chair, Mark Thurber, Raymond Miyares, Ellen O'Brien Cushman (ex-officio)

Other attendees: Bob McGaw

Agenda:

Annual Town Meeting Articles – amendments filed - **documents attached**

Animals Bylaw Revision to comply with revisions in State Law – drafted by Town Counsel, edited by Committee, final form- Unanimous Vote for form and placement.

Lone Tree Hill Belmont Conservation Land Management – New Bylaw –Committee provided edits. Unanimous Votes (amendments 1 & 2 by Epstein) for form and placement with edits incorporated.

Yard Sales – Chris Kochem amendment – for form and placement: Committee Disapproves the amendment as to form by Unanimous Vote because it is in conflict with the original intent of the Bylaw proposal to limit the number of sale days per year.

Animals, Kennels – David Alper amendment #1 Bylaw Review Committee provided a substitute motion to accomplish the purpose that Mr. Alper intends. Unanimous Vote

Animals, Kennels – David Alper amendment #2 Bylaw review Committee Disapproves the amendment as to form. See explanation on attached document.

Minutes of the meeting of March 27, 2014 approved unanimously

Meeting adjourned at 9:20 PM

Respectfully submitted,
Ellen O'Brien Cushman

RECEIVED
TOWN CLERK
BELMONT, MA
2017 AUG 24 PM 4:09

GENERAL BYLAW AMENDMENTS FILED WITH THE TOWN CLERK BY 4/30/14 DEADLINE FOR
ANNUAL TOWN MEETING SESSION OF MAY 5, 2014 –
REVIEWED BY BYLAW REVIEW COMMITTEE 5/1/14

Article 4 Use of Public Land -Lone Tree Hill Conservation Land General Bylaw
Submitted by Roy Epstein, Precinct 6 Town Meeting Member

Motion to Amend:

Amendment # 1

§ 60-1000 B. (2) — delete " measuring 6 feet or less"

Bylaw Review Committee approves as to form and placement

Amendment # 2 –

§ 60-1000 D. — change "by a fine of \$50 for each offense" to "by a written warning for a first offense and by a fine of \$50 for each subsequent offense" and add the following underlined language in the second sentence of the second paragraph so that it will read: The penalty for such violation shall be a written warning for a first offense and \$50 for each subsequent offense.

Bylaw Review Committee APPROVES these amendments as to form and placement,
WITH THE INSERTIONS shown in blue above, added for consistency and completeness

Article 7 Yard Sales General Bylaw
Submitted by Christine W. Kochem, Precinct 8 Town Meeting Member

Motion to Amend:

Moved, that under Article 7, Section B-1, amend the second sentence by inserting the words 'two-day' after the word 'three' so that the new, amended Section B-1 reads:

A. Any person or group intending to hold a Private Sale shall obtain a permit therefor from the Town Clerk. No more than three **two-day** permits per calendar year may be issued for Private Sales at a single address. Copies of the issued permit shall be sent by the Town Clerk to the Police Department.

Reason for Amendment

The purpose of this amendment is to clarify the number of days for which a person or group may obtain a permit for a Private Sale under this warrant article.

Bylaw Review Committee DISAPPROVES the amendment as to form. Explanation: The addition of the words "two-day" results in setting limits on only two-day permits, leaving an unlimited number of one-day permits and three-day permits. The original purpose of the Bylaw is to limit the number of sale days per year. This amendment defeats that purpose. The objective of the amendment has already been met by Subsection B, Paragraph (3) that reads "A single Private Sale may be held over the course of a Saturday and Sunday in a single weekend."

Article 8 General Bylaw “ ANIMALS”, §60-200
Amendment #1 to Submitted by David Alper, Precinct 6 Town Meeting Member

Motion to Amend:

MOVED: That Article 8 be amended in §60-205, Kennels, B. (5):

1. In the first sentence by inserting after the word ‘Kennel’ the phrase “, which provides overnight boarding of dogs,”;
2. In the second sentence by inserting after the word ‘dogs’ the phrase “for overnight stays”,
3. In the second sentence delete the phrase ‘at any time’, and
4. In the third sentence after the word ‘for’ insert the phrase “dog daycare or”

so that the amended Subsection reads as follows:

§ 60-205. Kennels.

B. Licenses; Fees; Requirements; Violations.

- (5) No Kennel, which provides overnight boarding of dogs, may keep more than 25 dogs for overnight stays on the premises at any time. Dogs that are on the premises for dog daycare or grooming, but not for overnight boarding, or, for medical or surgical treatment or observation, shall not be counted in this number.

Reason for Amendment:

This amendment is offered by David Alper, Town Meeting Member, in order to better recognize the difference in activities associated with overnight boarding of dogs and dog daycare.

To achieve the result described in the “reason for amendment” the Bylaw Review Committee instead recommends the following substitute motion:

Moved: that the existing 60-205, Subsection B, Paragraph (5) be deleted and the following new Subsection B Paragraph (5) be substituted:

- (5) No Kennel that provides overnight boarding of dogs may keep more than 25 dogs for overnight stays on the premises. Dogs that are on the premises for medical or surgical treatment or observation shall not be counted in this number.

Explanation: The addition of “overnight boarding of dogs” created a tautology with the descriptions of non-boarding activities that follow. The purpose of this amendment as described is strictly to limit the number dogs on site for overnight boarding and excluding dogs on the premises overnight that are receiving medical treatment.

Article 8 General Bylaw “ ANIMALS”, §60-200
Amendment #2 to Submitted by David Alper, Precinct 6 Town Meeting Member

Motion to Amend

MOVED: That Article 8 be amended in §60-200, Pets and Other Animals, A. in the second to last sentence by deleting the phrase ‘Not more than three dogs over three months of age shall be kept in any household without complying’ and replacing it with ‘A pack or collection of more than four dogs, three months old or older, owned or kept under single ownership, for private personal use shall comply’ so that the amended Subsection reads as follows:

§60-200. Pets and other animals.

- A. Licensing of dogs and cats. No person shall own or keep a dog or cat, six months of age or older, within the Town unless a license for such dog or cat is obtained from the Town Clerk. The license period shall be from January 1 through December 31; provided, however, that all applications for license renewals shall be submitted by March 15 of each year, or the licensee may be subject to late fees. Non-refundable license and late fees shall be established from time to time by the Town Clerk, unless Town Meeting approval is required pursuant to MGL c. 140, §139 or other applicable law. License fees for dogs and cats owned or kept by residents who are age 60 or older shall be at a discounted rate of at least 25% less than the established fee. All license fees shall be waived for dogs and cats that serve as service animals as defined by the Americans with Disabilities Act or regulations promulgated thereunder. A pack or collection of more than four dogs, three months old or older, owned or kept under single ownership, for private personal use shall comply with the kennel licensing provisions set forth in §60-205. All dogs and cats are required to wear their license tags at all times.

Reason for Amendment:

This amendment is offered by David Alper, Town Meeting Member, to be consistent with state law.

The Bylaw Review Committee DISAPPROVES the proposed amendment as to form.
Explanation: This proposed amendment re-introduces the problem created in MGL c. 140 in which exactly four dogs are not specifically regulated. The General Bylaw provided in the Warrant §60-200.A: “Not more than three dogs over three months of age shall be kept in any household without complying with the kennel licensing provisions set forth in §60-205.” An owner may license up to three dogs individually. If a fourth dog is obtained, the owner must comply with the kennel licensing provisions. If the desire is to increase the number of dogs an owner may license individually, then §60-200A should be amended to that specific number.
